IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23115 of 2004

Between:

G. Suryanarayana, S/o. Swamy Naidu,
Paravada Mandal, Visakhapatnam District.

... PETITIONER

AND

1 The District Collector, Visakhapatnam District,

Maharanipet, Visakhapatnam.
2 The Mandal Revenue Officer, Paravada Mandal,

Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or order or direction more particularly in the nature of writ of mandamus declaring the action of the respondents in seeking to dispossess the petitioner from land in Survey Nos. 291/1/292/1 and 317/2 of Gorluvanipalem, Hamlet of Edulapaka Boranki of Parvada Mandal of Visakhapatnam District to distribute it to third parties as unconstitutional and consequently declare that respondents cannot enter into or take possession of the land in Survey Nos. 291/1, 291/2 and 317/2 of Gorluvanipalem, hamlet of Dulapaka Boranki of Paravada Mandal of Visakhapatnam District, and pass such other order or orders.

Counsel for the Petitioner: MR.K.S.MURTHY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

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O R D E R:

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The petitioner claims that he is the owner of Ac.14.00 of land in Sy.Nos.291/1, 291/2 and 317/2 of Gorluvanipalem, hamlet of Edulapaka Boranki of Paravada Mandal, Visakhapatnam District. It is alleged that his ownership over the said land was affirmed by the proceedings of the Special Deputy Tahsildar (Inams), Visakhapatnam, through order dated 3.01.2003. He alleges that the respondents are trying to dispossess him from the land for the purpose of distributing the same to the landless poor.

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

From a perusal of the orders passed in favour of the petitioner under the A.P. Inams Abolition and Conversion into Ryotwari Act, 1956 (for short "the Act"), it is evident that his rights have been recognized by the competent authority under the Act. If the ryotwari patta granted in favour of the petitioner is liable to be set aside for any reason, it can be done only after issuance of notice and following the procedure prescribed by law. Further, if the possession of the petitioner over the land in question is contrary to any provisions of law, it would be certainly open to the respondents to initiate proceedings and take action against the petitioner. There cannot be any justification for interfering with the rights of the petitioner over the land, without initiating such proceedings.

Hence, the writ petition is disposed of, directing that the possession of the petitioner over the land shall not be disturbed, or otherwise interfered with, except by taking necessary steps in accordance with law. There shall be no order as to costs.

14th December, 2004

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To

1 The District Collector, Visakhapatnam District,

Maharanipet, Visakhapatnam.

2 The Mandal Revenue Officer, Paravada Mandal,

Visakhapatnam District.

3 Two C.Cs. to the Govt.Pleader for Revenue,

High Court building, Hyderabad (OUT)

4 Two CD copies